

## **§2929.202. Review of Extended Sentences**

**(A) Eligibility & Timing.** Except for sentences agreed to by the defendant, state, and court, a prisoner serving an extended prison sentence for multiple counts or offenses who is not otherwise eligible for parole review may, after completing any mandatory period of incarceration, apply to the Parole Board for a review as follows:

(1) If the prisoner's most serious offense of commitment is a felony of the fifth degree and the prisoner was sentenced to more than five years incarceration, the prisoner may apply for review after serving five years.

(2) If the prisoner's most serious offense of commitment is a felony of the fourth degree and the prisoner was sentenced to more than eight years incarceration, the prisoner may apply for review after serving eight years.

(3) If the prisoner's most serious offense of commitment is a felony of the third degree requiring a sentence that does not exceed thirty-six months and the prisoner was sentenced to more than twelve years incarceration, the prisoner may apply for review after serving twelve years.

**(B) Application Review.** Once a prisoner is eligible to apply for review pursuant to division (A) and submits an application, a panel of at least six members of the Parole Board shall review the application to determine if the prisoner merits a full board hearing. In making its determination the panel shall consider if the prisoner's rehabilitative efforts outweigh the interests of justice in having the prisoner serve the full sentence, the suitability factors under OAC 5120:1-1-07, and any other relevant information.

**(C) Denial of Application.** If the panel denies the prisoner's application made pursuant to division (B) the prisoner may submit a subsequent application within the timeframe and parameters specified in the denial.

**(D) Release Review.** If the application is granted, within a reasonable time, the parole board shall conduct a hearing to consider the prisoner's release onto parole supervision. The hearing shall be conducted in accordance with Chapters 2930., 2967., and 5149. of the Revised Code, and in accordance with policies and procedures established by the parole board, provided that such policies and procedures shall permit the prisoner's privately retained counsel or the Ohio Public Defender to appear at the prisoner's hearing to make a statement in support of the prisoner's release. The parole board shall ensure that the prisoner is provided a meaningful opportunity to obtain release and consider the factors in OAC 5120:1-1-07 in making its determination.

**(E) Conditions of parole.** The parole board shall, in accordance with section 2967.131 of the Revised Code, impose appropriate terms and conditions of release upon each prisoner granted a parole under this division.

**(F) Subsequent Release Review.** If the parole board denies release, the prisoner is ineligible to apply for subsequent review under this section.

**(G) Notice to Ohio Public Defender** In addition to any notice to any other person required by rule or statute, the parole board shall notify the Ohio Public Defender of a prisoner's eligibility for full board hearing review under this division at least sixty days before the board begins any review or proceedings of that prisoner under this division.

#### **Sec. 5149.101 Full board hearings.**

**(A) (1)** A board hearing officer, a board member, or the office of victims' services may petition the board for a full board hearing that relates to the proposed parole or re-parole of a prisoner, including, but not limited to, any prisoner described in division (B) of section 2967.13 or section 2929.202 of the Revised Code. At a meeting of the board at which a majority of board members are present, the majority of those present shall determine whether a full board hearing shall be held.